



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Concrete Systems, Inc.

File: B-243015

Date: March 7, 1991

Leonard A. Worden for the protester.
Sylvia Schatz, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest of conduct of protester's former employee, who left protester's firm during competition to submit bid as president of awardee firm, is essentially a dispute between private parties and thus is outside the scope of General Accounting Office's bid protest function.

DECISION

Concrete Systems, Inc. (CSI) protests the award of a contract to A to Z Precast Concrete Products, Inc., under invitation for bids (IFB) No. F08602-91-B-0007, issued by the Department of the Air Force for concrete buildings. CSI principally maintains that the award was improper because, during the competition, the CSI employee responsible for preparing CSI's bid left CSI to work for A to Z, Inc., a firm the employee established while employed at CSI.

We dismiss the protest.

An allegation concerning the actions of a former employee and a competing offeror during the competitive process involves a dispute between private parties concerning their business practices and relationships, which is properly for resolution by the involved private parties through the courts, if necessary, not our Office. Bildon, Inc., B-241375, Oct. 25, 1990, 90-2 CPD ¶ 332. As the circumstances set forth by CSI clearly fall within this standard, we will not consider the protest.

To the extent that A to Z, Inc.'s eligibility for award allegedly is affected by the employee's conduct, it involves the firm's responsibility; the determination as to whether a firm is responsible is largely within the discretion of the contracting officer, and our Office will not review an

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affirmative determination of responsibility except in limited circumstances not applicable here. 4 C.F.R. § 21.3(m) (5) (1990); Fortune Serv. Co., B-238458, Feb. 15, 1990, 90-1 CPD ¶ 281.

The protest is dismissed.

A handwritten signature in cursive script, reading "John M. Melody".

John M. Melody
Assistant General Counsel